



May 21, 1998

VIA FEDERAL EXPRESS

Secretary
Federal Communications Commission
Room 222, 1919 M Street, N.W.
Washington, DC 20554

RE: RM-9260

Enclosed are an original plus nine copies of comments by Polar Broadcasting Inc. in relation to RM-9260, Petition of the Community Broadcasters Association for Establishment of a "Class A" Television Service. Also enclosed is one "RIPS" cover page.

Sincerely,

Warren L. Trumbly

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL

In the Matter of)
)
Petition of the)
Community Broadcasters Association) RM-9260
For Establishment of a "Class A")
Television Service)

To: The Commission - Mail Stop 1170

COMMENTS OF POLAR BROADCASTING, INC.

These comments are filed on behalf of Polar Broadcasting Inc., a California corporation, licensee of three Low Power Television (LPTV) stations: K30BI, San Francisco-Oakland-San Jose, California; K33DJ, Salinas-Monterey, California; and K23ES, Sacramento, California..

Polar Broadcasting (Polar) supports the Community Broadcasters Association (CBA) petition for the creation of a Class "A" television service. The establishment of this service will be a landmark in establishing local television service which has eroded over the past 15 years in the existing full power services.

Economics and regional needs have driven full power stations to focus on regional service areas with expanded service throughout their DMA. Because of costs, resources, and available air time, many communities and localized issues and concerns, of no less importance, are not being addressed, especially in ethnic and minority communities.

LPTV is continually being recognized for fulfilling many of these needs, but has been limited by regulation. Secondary status has limited financial resources to construct and build

facilities needed to service local community needs. Power limitations have created hardships for both the stations and the viewers in receiving a quality signal.

CBA's request for securing a Class "A" television station status is necessary and overdue. The loss of any local service is tragic. Those stations that can and will apply for Class "A" status have earned this position through their investment and commitment to their community in spite of opposition from all fields, such as: local full power television stations, cable companies, DTV, and FCC technical limitations. All recognize that this has never been a level playing field.

But LPTV and those pioneers who have invested and fought to build a successful business, and therefore an industry, should be recognized and provided an opportunity to survive and continue with Class "A" status, at the very least.

Regarding Appendix A (Revised March 1998), Polar fully supports the CBA petition with three (3), what we consider minor, exceptions. They are as follows:

1. 73.627 (b) The three month showing of items (i) through (iv). Polar believes that the DTV threat and adverse economic pressures on LPTV stations have prevented stations from making the investments in time, energy and money to do all that is required under this section. We suggest alternate language such as: "A station may apply for Class A status 30 days after certifying it complies with....."
2. 73.627 (b) (ii) The broadcast of not less than three hours in each calendar week of programming produced within the principal city contour (as defined in section 73.683(a) for NTSC service.....

The city contour limits many stations such as ours from serving a majority of our viewers with local programming. Using a viewer area as a definition would be more inclusive and less of a burden on the station operator. The end result will be better service.

3. 73.683(a) ...dBu coverage requirements. Polar believes this is a restrictive carryover from City Grade and Grade B signals. This would be fine if Class "A" stations were to be allocated operating power like full power stations. The fact is that many LPTV stations converting to Class "A" status may not be able to increase in power for many reasons, one of which is interference with another station. Therefore, the microvolt per meter (dBu) requirement should be dropped. Rather, require the station upon filing to substantiate reasonable coverage and/or view ability.

In conclusion, at NAB's Community Broadcasters meeting, Chairman Kennard, commended LPTV for its service, ethnic diversity, and opportunities. The FCC's policy to encourage minority ownership, control and participation in broadcasting has been a TOTAL FAILURE, WITH THE EXCEPTION OF LOW POWER TELEVISION. If the Commission does not make a "real" effort to save LPTV, it will force another failure; by destroying the one industry with the highest ethnic ownership, control and programming diversity in any service the Commission oversees.

The lead story in the San Francisco Chronicle (Tuesday, April 28, 1998, Business Section)

was titled "**Digital TV Threatens Ethnic Shows.**" This could be the headline story on dozens of stations around the country if the Commission does not actively respond to save LPTV stations by adopting Class "A" status immediately.

Polar encourages the Commission to act upon CBA's petition and save LPTV from the feeding frenzy of spectrum speculators, and to preserve the diversity in one area of the media.

Respectfully submitted,
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(916) 487-3932

Signed: 

Warren L. Trumbly, President

Date: May 20, 1998